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900 Third Avenue, Suite 2100 • New York, NY 10022-4869

July 31, 2019

By Electronic Case Filing

Honorable Sanket J. Bulsara
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Gesualdi, et al. v. Rockwala, Inc., et al.*,
Civil Action No. 1:18-cv-05470 (JBW) (SJB)

Dear Judge Bulsara:

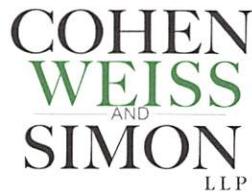
This firm represents the Trustees of the Local 282 Trust Funds (the “Funds”), plaintiffs/judgment-creditors in the above-referenced action.

We write, pursuant to Your Honor’s Individual Practice Rules, seeking Court Order requiring: (a) Andy Wala, defendant/judgment debtor, to appear for deposition on September 5, 2019 at 11:30 a.m., in accord with the deposition notice attached as Exhibit A; (b) Mr. Wala produce documents responsive to the documents requests attached as Exhibit B; and (c) defendant/judgment debtor Rockwala, Inc. (“Rockwala”) produce documents responsive to the documents requests attached as Exhibit C. The affidavit of service for these documents is attached as Exhibit D.

If the Court grants the motion, the Trustees further ask that Mr. Wala and Rockwala be warned that failure to comply may result in entry of civil monetary and criminal sanctions, including daily monetary fines.

Finally, if the Court grants the motion, the Trustees ask that document production and the depositions be ordered to take place at the Funds’ Offices, 2500 Marcus Avenue, Lake Success, New York 11042.





Honorable Sanket J. Bulsara
July 31, 2019
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Background

The Trustees make this motion because of Mr. Wala and Rockwala failing to appear for deposition or produce the requested documents by the dates referenced in the documents annexed hereto. A copy of the deposition transcript noting the default is attached as Exhibit E.

The purpose of the depositions and document requests is to determine whether Mr. Wala and Rockwala have assets to satisfy the judgment entered in this action, either in whole or in part.

The Trustees note that the failure to appear or produce responsive documents is exacerbated by a reminder letter as to the discovery deadlines, sent on June 5, 2019, a copy of which is attached as Exhibit F.

Additionally, after the default, by letter dated June 13, 2019, a copy of which is attached as Exhibit G, the Trustees provided an opportunity to cure the default without the need for Court intervention.

The Trustees received no response to either letter and the default remains uncured.

Legal Theory

Pursuant to Section 5223 of the N.Y.C.P.L.R., made applicable to this proceeding by Fed. R. Civ. P. 69(a), “at any time before a judgment is satisfied ... the judgment creditor may compel disclosure of all matters relevant to the satisfaction of the judgment, by serving upon any person a subpoena.” Fed. R. Civ. P. 45(e), which governs the imposition of sanctions against a nonparty for failure to comply with a subpoena, provides that failure by any person to obey a subpoena, in the absence of adequate excuse, may be deemed in contempt of the court from which the subpoena issued. In fact, the Court can hold a nonparty in contempt “simply on the basis of failure to comply with a subpoena.” *Hunter TBA, Inc. v. Triple V Sales*, 250 F.R.D. 116, 117 (E.D.N.Y. 2008) (citing *Painewebber Inc. v. Aestor Insurance Co.*, 211 F.R.D. 247, 249 (S.D.N.Y. 2002) (citing *Diamond v. Simon*, No. 89 Civ. 7061, 1994 WL 10622, at *1 (S.D.N.Y. Jan. 10, 1994); *Daval Steel Products v. M/V Fakredine*, 951 F.2d 1357, 1364 (2d Cir. 1991)). See also *Calabro v. Stone*, 224 F.R.D. 532, 533 (E.D.N.Y. 2004), citing Practice Commentary to Rule 45(e), 28 U.S.C. ¶ C45-26 (stating: “the judicial power to hold in contempt a non-party who has failed to obey a valid subpoena is the primary mechanism by which a court can enforce a subpoena,” and consequently ordering nonparties to comply with subpoena while warning that failure to comply could subject them to contempt proceedings with the potential for imposition of sanctions to include monetary fines, attorney’s fees and costs). Further, in *Ferrara v. C.F.I. Assocs. d/b/a Sandiford Trucking*, 09 Civ. 03652 (ADS)(WDW), Judgment Against





Honorable Sanket J. Bulsara
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Page 3

Vito Sandiford (E.D.N.Y. Nov. 30, 2012) (Docket No. 62) (entry of judgment against a non-party corporate principal for failure to respond to a subpoena, appear at multiple court hearings, or pay amounts due per a prior contempt order.); *Ferrara v. Illeana Trucking*, 09 Civ. 5079 (DLI), Judgment (E.D.N.Y. May 30, 2013) (Docket No. 39) (same).

Attached, as Exhibit H is a proposed order.

We will serve this letter motion on Mr. Wala and Rockwala by UPS overnight mail and by U.S. first class mail.

The Funds thank the Court for its consideration to this matter.

Respectfully submitted,

Michael S. Adler

Michael S. Adler

MSA:vlf
Enclosures

cc by UPS overnight mail
and U.S. first class mail:

Andy Wala
Rockwala Inc.
43 East 91st Street
Brooklyn, New York 11212

Andy Wala
225 Johnson Lane
Montgomery, New York 12549

Andy Wala
6 Story Court
Brooklyn, New York 11218

Andy Wala
Rockwala Inc.
4023 Hubbard Place
Brooklyn, New York 11210

EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THOMAS GESUALDI, LOUIS BISIGNANO,
MICHAEL O'TOOLE, MICHAEL C. BOURGAL,
DARIN JEFFERS, JOSEPH A. FERRARA, SR.,
FRANK H. FINKEL, MARC HERBST, DENISE
RICHARDSON, and THOMAS F. CORBETT, as
Trustees and Fiduciaries of the Local 282 Welfare
Trust Fund, the Local 282 Pension Trust Fund, the
Local 282 Annuity Trust Fund, the Local 282 Job
Training Trust Fund, and the Local 282 Vacation
and Sick Leave Trust Fund,

Civil Action No.
1:18-cv-05470 (JBW)(SJB)

Plaintiffs,

- against -

ROCKWALA INC. and ANDY WALA,

Defendants.

NOTICE OF DEPOSITION TO
ANDY WALA

TO: Andy Wala
43 East 91st Street
Brooklyn, NY 11212

PLEASE TAKE NOTICE that beginning June 7, 2019 at 11:15 am at the offices
of Local 282 Trust Funds, 2500 Marcus Avenue, Lake Success, New York 11042,
Plaintiff/Judgment Creditor will take the deposition upon oral examination of Andy Wala
pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure before a person authorized to
administer oaths. The deposition will continue from day to day until completed.

Dated: April 29, 2019
New York, New York

/s/ Michael S. Adler

Michael S. Adler
COHEN, WEISS and SIMON LLP
900 Third Avenue, Suite 2100
New York, New York 10022-4869
(212) 563-4100

Attorney for Plaintiff/Judgment Creditor

EXHIBIT B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
THOMAS GESUALDI, LOUIS BISIGNANO, :
MICHAEL O'TOOLE, MICHAEL C. BOURGAL, :
DARIN JEFFERS, JOSEPH A. FERRARA, SR., :
FRANK H. FINKEL, MARC HERBST, DENISE :
RICHARDSON, and THOMAS F. CORBETT, as :
Trustees and Fiduciaries of the Local 282 Welfare :
Trust Fund, the Local 282 Pension Trust Fund, the :
Local 282 Annuity Trust Fund, the Local 282 Job :
Training Trust Fund, and the Local 282 Vacation :
and Sick Leave Trust Fund, :
Plaintiffs, :
- against - :
ROCKWALA INC. and ANDY WALA, :
Defendants. :
-----x

**JUDGMENT-CREDITORS/PLAINTIFFS' REQUEST FOR THE PRODUCTION
OF DOCUMENTS TO JUDGMENT-DEBTOR/DEFENDANT ANDY WALA**

Pursuant to Federal Rules of Civil Procedure 26 and 34, plaintiffs Thomas Gesualdi, Louis Bisignano, Michael O'Toole, Michael C. Bourgal, Darin Jeffers, Joseph A. Ferrara, Sr., Frank H. Finkel, Marc Herbst, Denise Richardson, and Thomas F. Corbett, as Trustees and fiduciaries of the Local 282 Welfare Trust Fund, the Local 282 Pension Trust Fund, the Local 282 Annuity Trust Fund, the Local 282 Job Training Trust Fund, and the Local 282 Vacation and Sick Leave Trust Fund, hereby request that defendant Andy Wala produce for inspection and copying all documents designated below at the offices of the Local 282 Trusts Funds, Attn: Bruce S. Levine/Michael S. Adler, 2500 Marcus Avenue, Lake Success, New York 11042 on or before June 7, 2019.

DEFINITIONS AND INSTRUCTIONS

The Definitions and rules of construction in Local Rule 26.3 of the Eastern District of New York are hereby incorporated by reference. In addition, the following definitions and instructions apply to all requests for disclosures made herein:

1. "Rockwala" shall mean, collectively or individually, Rockwala Inc. and where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.
2. "Wala" shall mean Andy Wala.
3. "You" or "Your" shall mean, Wala.
4. "Property" shall mean real property.
5. "Materials and Equipment" shall mean inventory, materials, machinery, equipment, tools, trucks, automobiles or other personal property.
6. Unless otherwise specified, the time period covered by this document request shall extend from June 1, 2013 through the present.
7. The documents produced are to be segregated by request number.
8. All requests made herein shall be construed to include any supplemental documents responsive to these requests that are later prepared, created or discovered.
9. For each document with respect to which any privilege is claimed, responding defendant shall identify the date of the document, any title or heading affixed to the document, the name and address of all persons to whom and by whom the document was sent or distributed, the type of document (e.g., letter, memorandum), the general subject matter of the document, and the nature of the alleged privilege.

DOCUMENT REQUESTS

You are hereby requested to produce the following documents:

1. The Articles of Incorporation and State Corporate Registration Certificates of Rockwala.
2. Corporate bylaws of Rockwala including all amendments or riders to such documents.
3. All minutes or drafts of minutes of meetings of the Board of Directors of Rockwala and shareholder resolutions.
4. All stock certificates issued by or concerning Rockwala.
5. All shareholder agreements concerning or referring to Rockwala.
6. All corporate notices, filings or reports concerning Rockwala filed with, prepared for, or required by, any federal, state, or municipal authority.
7. Any and all real estate deeds, leases, mortgages, mortgage notes, deeds of trust, deeds of trust notes, payment schedules, lease payments, lease accruals, mortgage payments, and all documents, including checks, related to payments of any and all leases, mortgages, or deeds of trust on property leased or owned by Rockwala or held for Rockwala beneficially by any person or trustee.
8. Any and all real estate deeds, leases, mortgages, mortgage notes, deeds of trust, deeds of trust notes, payment schedules, lease payments, lease accruals, mortgage payments, and all documents, including checks, related to payments of any and all leases, mortgages, or deeds of trust on property leased or owned by Wala or held for Wala beneficially by any person or trustee.

9. Any and all records concerning ownership, rental, mortgage, security, or use of Material and Equipment (as defined in ¶ 5 under Definitions and Instructions) by Rockwala or any person acting on behalf of Rockwala.

10. Any and all records concerning ownership, rental, mortgage, security, or use of Material and Equipment (as defined in ¶ 5 under Definitions and Instructions) by Wala or any person acting on behalf of Wala.

11. Any and all of Rockwala's quarterly and annual corporate and state tax returns.

12. All of Wala's federal and state tax returns

13. All financial statements, profit and loss statements, balance and income statements, balance sheets, trial balance sheets, ledgers, journals (including cash disbursements and cash receipts), accounting statements, accounting reports, or other documents designed to present the financial condition and/or asset or property holdings of Rockwala in summary form, prepared by its officers or directors or on its behalf by any person or entity, or submitted to any financial institutions.

14. All financial statements, profit and loss statements, balance and income statements, balance sheets, trial balance sheets, ledgers, journals (including cash disbursements and cash receipts), accounting statements, accounting reports, or other documents designed to present the financial condition and/or asset or property holdings of Wala in summary form, prepared him or on his behalf by any person or entity, or submitted to any financial institutions.

15. Copies of all checks, money orders, cashier's checks, wire transfers, electronic transfers, instruments of payments, negotiable instruments, or other documents representing payments or transfers of assets from Rockwala to any of its officers, directors,

shareholders, or companies or entities owned, in full or in part, or controlled by these officers, directors, or shareholders.

16. Copies of all checks, money orders, cashier's checks, wire transfers, electronic transfers, instruments of payments, negotiable instruments, or other documents representing payments or transfers of assets from Wala to any company, entity, corporation, individual or institution.

17. Any and all bank statements, money market account statements, stock broker account ledgers, passbooks, entry ledgers, computer printouts, or other graphic representations of whatever kind that reflect money, assets or business property held by Rockwala at any financial institution, brokerage house, bank, savings institution, safe deposit and trust company, or other financial or credit company.

18. Any and all bank statements, money market account statements, stock broker account ledgers, passbooks, entry ledgers, computer printouts, or other graphic representations of whatever kind that reflect money, assets or business property held by Wala at any financial institution, brokerage house, bank, savings institution, safe deposit and trust company, or other financial or credit company.

19. Copies of all contracts, memoranda, leases and/or agreements relating to the purchase, merger, consolidation, transfer or assignment of the goodwill, trade name, stock and/or assets of Rockwala.

20. All statements of accounts receivable of Rockwala and any underlying invoices, contracts, purchase orders, or other documentation of the obligation.

21. All statements of accounts receivable of Wala and any underlying invoices, contracts, purchase orders, or other documentation of the obligation.

22. All documents of title or registrations for any vehicles owned, leased or used by Rockwala.
23. All documents of title or registrations for any vehicles owned, leased or used by Wala.
24. All complaints filed against Rockwala with any state court, federal court or governmental agency.
25. All complaints filed against Wala with any state court, federal court or governmental agency.
26. All documents regarding liens against Rockwala, judgments entered against Rockwala, or monies due by Rockwala to third parties.
27. All documents regarding liens against Wala, judgments entered against Wala, or monies due by Wala to third parties.
28. All documents regarding liens held by Rockwala, judgments entered in favor of Rockwala, or monies due by third parties to Rockwala.
29. All documents regarding liens held by Wala, judgments entered in favor of Wala, or monies due by third parties to Wala.
30. All documents listing or referencing customers of Rockwala.

31. All documents listing or reflecting Wala's employer(s), salary, pay schedule, and/or job responsibilities.

Dated: April 29, 2019
New York, New York

/s/ Michael S. Adler

Michael S. Adler
COHEN, WEISS and SIMON LLP
900 Third Avenue, Suite 2100
New York, New York 10022
(212) 563-4100

Attorneys for Plaintiffs

EXHIBIT C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
THOMAS GESUALDI, LOUIS BISIGNANO, :
MICHAEL O'TOOLE, MICHAEL C. BOURGAL, :
DARIN JEFFERS, JOSEPH A. FERRARA, SR., :
FRANK H. FINKEL, MARC HERBST, DENISE :
RICHARDSON, and THOMAS F. CORBETT, as :
Trustees and Fiduciaries of the Local 282 Welfare :
Trust Fund, the Local 282 Pension Trust Fund, the :
Local 282 Annuity Trust Fund, the Local 282 Job :
Training Trust Fund, and the Local 282 Vacation :
and Sick Leave Trust Fund, :
Plaintiffs, :
- against - :
ROCKWALA INC. and ANDY WALA, :
Defendants. :
-----x

**JUDGMENT-CREDITORS/PLAINTIFFS' REQUEST FOR THE PRODUCTION
OF DOCUMENTS TO JUDGMENT-DEBTOR/DEFENDANT ROCKWALA INC.**

Pursuant to Federal Rules of Civil Procedure 26 and 34, plaintiffs Thomas Gesualdi, Louis Bisignano, Michael O'Toole, Michael C. Bourgal, Darin Jeffers, Joseph A. Ferrara, Sr., Frank H. Finkel, Marc Herbst, Denise Richardson, and Thomas F. Corbett, as Trustees and fiduciaries of the Local 282 Welfare Trust Fund, the Local 282 Pension Trust Fund, the Local 282 Annuity Trust Fund, the Local 282 Job Training Trust Fund, and the Local 282 Vacation and Sick Leave Trust Fund, hereby request that defendant Rockwala Inc. produce for inspection and copying all documents designated below at the offices of the Local 282 Trusts Funds, Attn: Bruce S. Levine/Michael S. Adler, 2500 Marcus Avenue, Lake Success, New York 11042 on or before June 7, 2019.

DEFINITIONS AND INSTRUCTIONS

The Definitions and rules of construction in Local Rule 26.3 of the Eastern District of New York are hereby incorporated by reference. In addition, the following definitions and instructions apply to all requests for disclosures made herein:

1. "Rockwala" shall mean, collectively or individually, Rockwala Inc. and where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.
2. "You" or "Your" shall mean, Rockwala.
3. "Wala" shall mean Andy Wala.
4. "Property" shall mean real property.
5. "Materials and Equipment" shall mean inventory, materials, machinery, equipment, tools, trucks, automobiles or other personal property.
6. Unless otherwise specified, the time period covered by this document request shall extend from June 1, 2013 through the present.
7. The documents produced are to be segregated by request number.
8. All requests made herein shall be construed to include any supplemental documents responsive to these requests that are later prepared, created or discovered.
9. For each document with respect to which any privilege is claimed, responding defendant shall identify the date of the document, any title or heading affixed to the document, the name and address of all persons to whom and by whom the document was sent or distributed, the type of document (e.g., letter, memorandum), the general subject matter of the document, and the nature of the alleged privilege.

DOCUMENT REQUESTS

You are hereby requested to produce the following documents:

1. The Articles of Incorporation and State Corporate Registration Certificates of Rockwala.
2. Corporate bylaws of Rockwala including all amendments or riders to such documents.
3. All minutes or drafts of minutes of meetings of the Board of Directors of Rockwala and shareholder resolutions.
4. All stock certificates issued by or concerning Rockwala.
5. All shareholder agreements concerning or referring to Rockwala.
6. All corporate notices, filings or reports concerning Rockwala filed with, prepared for, or required by, any federal, state, or municipal authority.
7. Any and all real estate deeds, leases, mortgages, mortgage notes, deeds of trust, deeds of trust notes, payment schedules, lease payments, lease accruals, mortgage payments, and all documents, including checks, related to payments of any and all leases, mortgages, or deeds of trust on property leased or owned by Rockwala or held for Rockwala beneficially by any person or trustee.
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9. Any and all records concerning ownership, rental, mortgage, security, or use of Material and Equipment (as defined in ¶ 5 under Definitions and Instructions) by Rockwala or any person acting on behalf of Rockwala.

10. Any and all records concerning ownership, rental, mortgage, security, or use of Material and Equipment (as defined in ¶ 5 under Definitions and Instructions) by Wala or any person acting on behalf of Wala.

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15. Copies of all checks, money orders, cashier's checks, wire transfers, electronic transfers, instruments of payments, negotiable instruments, or other documents representing payments or transfers of assets from Rockwala to any of its officers, directors,

shareholders, or companies or entities owned, in full or in part, or controlled by these officers, directors, or shareholders.

16. Copies of all checks, money orders, cashier's checks, wire transfers, electronic transfers, instruments of payments, negotiable instruments, or other documents representing payments or transfers of assets from Wala to any company, entity, corporation, individual or institution.

17. Any and all bank statements, money market account statements, stock broker account ledgers, passbooks, entry ledgers, computer printouts, or other graphic representations of whatever kind that reflect money, assets or business property held by Rockwala at any financial institution, brokerage house, bank, savings institution, safe deposit and trust company, or other financial or credit company.

18. Any and all bank statements, money market account statements, stock broker account ledgers, passbooks, entry ledgers, computer printouts, or other graphic representations of whatever kind that reflect money, assets or business property held by Wala at any financial institution, brokerage house, bank, savings institution, safe deposit and trust company, or other financial or credit company.

19. Copies of all contracts, memoranda, leases and/or agreements relating to the purchase, merger, consolidation, transfer or assignment of the goodwill, trade name, stock and/or assets of Rockwala.

20. All statements of accounts receivable of Rockwala and any underlying invoices, contracts, purchase orders, or other documentation of the obligation.

21. All statements of accounts receivable of Wala and any underlying invoices, contracts, purchase orders, or other documentation of the obligation.

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23. All documents of title or registrations for any vehicles owned, leased or used by Wala.
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25. All complaints filed against Wala with any state court, federal court or governmental agency.
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27. All documents regarding liens against Wala, judgments entered against Wala, or monies due by Wala to third parties.
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29. All documents regarding liens held by Wala, judgments entered in favor of Wala, or monies due by third parties to Wala.
30. All documents listing or referencing customers of Rockwala.

31. All documents listing or reflecting Wala's employer(s), salary, pay schedule, and/or job responsibilities.

Dated: April 29, 2019
New York, New York

/s/ Michael S. Adler

Michael S. Adler
COHEN, WEISS and SIMON LLP
900 Third Avenue, Suite 2100
New York, New York 10022
(212) 563-4100

Attorneys for Plaintiffs

EXHIBIT D

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
THOMAS GESUALDI, et al.

CIVIL ACTION NO.: 1:18-CV
-05470(JBW)(SJB)

vs

Plaintiff

ROCKWALA INC. and ANDY WALA

Defendant

AFFIDAVIT OF SERVICE

State of New York }
County of New York) ss.:

The undersigned, being duly sworn, deposes and says;

Deponent is not a party herein, is over 18 years of age and resides in Sunnyside, New York

That on 5/1/2019 at 9:22 AM at 43 East 91st Street, Brooklyn, NY 11212

deponent served a(n) Notice of Deposition to Andy Wala, Judgment-Creditors/Plaintiffs' Request for the Production of Documents to Judgment-Debtor/Defendant Rockwala Inc. and Judgment-Creditors/Plaintiffs' Request for the Production of Documents to Judgment-Debtor/Defendant Andy Wala

on Andy Wala

by delivering a true copy to said witness personally;

deponent knew the person so served to be the witness described in said subpoena.

Description of Person Served:

Gender: Male

Skin: Brown

Hair: Brown

Age: 36 - 50 Yrs.

Height: 5' 9" - 6' 0"

Weight: 161-200 Lbs.

Other:

Sworn to before me this
20th day of May, 2019

NOTARY PUBLIC
JOHN DICANIO
NOTARY PUBLIC STATE OF NEW YORK
WESTCHESTER COUNTY
LIC. # 01D14977768
COMM EXP. 2/11/2023

Di Cong Jiang
License No. 1220800

EXHIBIT E

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF NEW YORK

3 -----x

4 THOMAS GESUALDI, LOUIS BISIGNANO, MICHAEL
5 O'TOOLE, MICHAEL C. BOURGAL, DARIN JEFFERS,
6 JOSEPH A. FERRARA, SR., FRANK H. FINKEL,
7 MARC HERBST, DENISE RICHARDSON, and THOMAS F.
8 CORBETT, as Trustees and Fiduciaries of the
Local 282 Welfare Trust Fund, the Local 282
Pension Trust Fund, the Local 282 Annuity Trust
Fund, the Local 282 Job Training Trust Fund,
and the Local 282 Vacation and Sick Leave
Trust Fund,

9

10 Plaintiffs,
-against- Case No. 1-18-CV-05470
(JBW) (SJB)

11 ROCKWALA INC. and ANDY WALA,

12 Defendants.

13

14 -----x
15 2500 Marcus Avenue
16 Lake Success, New York

16 June 7, 2019
17 11:44 a.m.

18

19

20 STATEMENT OF DEFAULT of Defendants taken pursuant
21 to Subpoena, before Linda Caffera, a Shorthand Reporter and
22 Notary Public of the State of New York.

23

24

25 PAUL BECKER CSR PC
(516) 739-8843 (718) 939-5741

ORIGINAL

1 A P P E A R A N C E S:

2

3 COHEN WEISS & SIMON, LLP
4 Attorneys for Plaintiffs
5 900 Third Avenue
6 Suite 21
7 New York, New York 10022

8

9 BY: MICHAEL S. ADLER, ESQ.
10 (212) 563-4100
11 madler@cwsny.com

12

13

14 10 XXXXX

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1 (Whereupon a copy of a two-page default
2 judgment and order dated February 19, 2019 was
3 marked as Plaintiffs' Exhibit 1 for
4 identification, as of this date.)

12 (Whereupon a one-page affidavit of
13 service dated May 2, 2019 was marked as
14 Plaintiffs' Exhibit 4 for identification, as
15 of this date.)

16 (Whereupon a letter dated June 5, 2019
17 to Andy Wala, Rockwala, Inc., from Michael S.
18 Adler, Esq., with attached documents,
19 consisting of sixteen pages was marked as
20 Plaintiffs' Exhibit 5 for identification, as
21 of this date.)

22 (Whereupon an email to Rockwala@yahoo.com
23 from Michael S. Adler dated June 6, 2019, with
24 attachment, was marked as Plaintiffs' Exhibit 6
25 for identification, as of this date.)

1 MICHAEL ADLER: We're here in the matter
2 of Gesualdi, et al. as trustees of Local 282
3 trust funds against Rockwala, Inc. and Andy
4 Wala with a matter pending before the U.S.
5 District Court for the Eastern District of New
6 York.

7 Marked as Exhibit 1 is a copy of the
8 judgment that was entered against the
9 defendants for approximately \$1.3 million. It
10 was entered on February 19, 2019.

11 In connection with that judgment marked as
12 Exhibit 2 is a Notice of Deposition to Andy
13 Wala intended to discuss financial ability of
14 the two defendants to pay the judgment dated
15 April 29, 2019. It notices his deposition to
16 be today, June 7, 2019, 11:15 in the morning,
17 at the offices of Local 282 Trust Funds, 2500
18 Marcus Avenue, Lake Success, New York.

19 Marked as Exhibit 3 is a document request
20 also addressed to Mr. Wala requesting document
21 production by today at the Fund's offices.

22 The next exhibit is the affidavit of
23 service noting Mr. Wala was personally served
24 on May 1st, 2019 at 9:22 a.m. at 43 East 91st
25 Street, Brooklyn, New York. He was personally

1 served with the documents marked 2 and 3.

2 Marked as Exhibit 5 was a reminder letter
3 sent to Mr. Wala's attention reminding him of
4 today's deposition and document production.

5 Marked as Exhibit 6, an e-mail that was
6 sent June 6th by me to an email address,
7 Rockwala@yahoo.com. It's an email address at
8 which I had multiple correspondence over the
9 years with Mr. Wala. It did not bounce back.
10 Enclosed is a copy of the letter that has been
11 marked as Exhibit 5, sent the day before. It
12 says in the subject line:

13 (Reading) As a reminder, your deposition
14 is tomorrow -- which would be today -- at 10:00
15 a.m. at the Fund office, Lake Success. See
16 attached.

17 It is now 11:50 a.m. Mr. Wala has neither
18 appeared nor contacted me about the deposition
19 and document request. I have not heard from
20 him for at least over a month.

21 His default is hereby noted on the record.
22 The fund reserves the right to compel his
23 appearance and production of documents.

24 (Time noted: 11:50 a.m.)

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2 I N D E X

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4 EXHIBITS

5

6	PLAINTIFFS'	DESCRIPTION	PAGE
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7	1	A copy of a two-page default judgment and order dated February 19, 2019	3
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9	2	A Notice of Deposition to Andy Wala dated April 29, 2019	3
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10	3	A seven-page request for production of documents	3
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12	4	A one-page affidavit of service dated May 2, 2019 with attached documents, consisting of sixteen pages	3
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14	5	A letter dated June 5, 2019 to Andy Wala, Rockwala, Inc., from Michael S. Adler, Esq., with attached documents consisting of sixteen pages	3
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17	6	An email to Rockwala@Yahoo.com from Michael S. Adler dated June 6, 2019, with attachment	3
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4 C E R T I F I C A T E

5 STATE OF NEW YORK)

6 ss.:

7 COUNTY OF NASSAU)

8

9 I, LINDA CAFFERA, a Shorthand Reporter and Notary
10 Public in and for the State of New York, do hereby certify:
11 That the aforementioned Statement of Default was noted
12 before me at the aforesaid time and place.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 17th day of June, 2019.

15

16


Linda Caffera
LINDA CAFFERA

17

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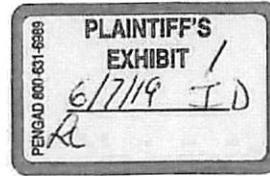
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Case 1:18-cv-05470-JBW-SJB Document 15 Filed 02/21/19 Page 1 of 2 PageID #: 961



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THOMAS GESUALDI, LOUIS BISIGNANO,
MICHAEL O'TOOLE, MICHAEL C. BOURGAL,
DARIN JEFFERS, JOSEPH A. FERRARA, SR.,
FRANK H. FINKEL, MARC HERBST, DENISE
RICHARDSON, and THOMAS F. CORBETT, as
Trustees and Fiduciaries of the Local 282 Welfare
Trust Fund, the Local 282 Pension Trust Fund, the
Local 282 Annuity Trust Fund, the Local 282 Job
Training Trust Fund, and the Local 282 Vacation
and Sick Leave Trust Fund,

Plaintiffs,

- against -

ROCKWALA INC. and ANDY WALA,

Defendants.

Civil Action No.
1:18-cv-05470 (JBW)(SJB)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ FEB 21 2019 ★

BROOKLYN OFFICE

DEFAULT JUDGMENT AND ORDER

This action having been commenced on September 28, 2018 by the filing of the complaint and the issuance of the summonses; a copy of the summons and complaint having been served on defendant Rockwala Inc. on October 3, 2018 via service on via service on Emma Wala, an agent authorized to accept service and a copy of the complaint and summons has been served on defendant Andy Wala on October 3, 2018 via service on Emma Wala at his residence/usual place of abode, and proofs of service having been filed with the Clerk of Court on October 10, 2018; Rockwala Inc. and Andy Wala not having answered the complaint; and the time for answering the complaint having expired; said default being willful because of the failure of Rockwala Inc. and Andy Wala to answer, prejudicial to Plaintiffs in light of the statutory policy favoring the efficacious resolution of collection actions by employee benefit funds under the Employee Retirement Income Security Act of 1974, as amended ("ERISA"); and the Defendants lacking a meritorious defense; it is:

Case 1:18-cv-05470-JBW-SJB Document 15 Filed 02/21/19 Page 2 of 2 PageID #: 962

ORDERED, ADJUDGED AND DECREED that

1. Rockwala Inc. and Andy Wala are jointly and severally liable to Plaintiffs in the amount of \$1,324,619.02, plus \$295.65 in per diem interest commencing on November 13, 2018, consisting of:

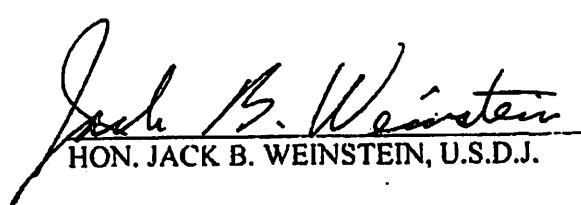
- (a) \$1,229.05 in underpaid contributions;
- (b) \$221,830.11 in contributions due pursuant to an agreed-upon procedures engagement for the period from July 2, 2011 through December 26, 2014;
- (c) \$376,427.34 in contributions due pursuant to an estimated audit for the period from December 27, 2014 through October 31, 2018;
- (d) \$330,913.67 in interest, plus \$295.65 in per diem interest;
- (e) \$335,658.94 in liquidated damages;
- (f) \$45,249.95 in audit fees; and
- (g) \$13,309.96 in attorney's fees and costs.

It is further ORDERED, ADJUDGED and DECREED that Rockwala Inc. is required within thirty (30) days of entry of the judgment to submit to Plaintiff's any and all remittance reports past due, reflecting the names of individuals performing work covered by the applicable collective bargaining and trust agreements as well as the number of hours worked.

It is further ORDERED, ADJUDGED and DECREED that Rockwala Inc. is required within thirty (30) days of entry of the judgment to submit its books and records to audit for the period commencing December 27, 2014.

SO ORDERED.

Dated: 2/19/19
Brooklyn, New York


HON. JACK B. WEINSTEIN, U.S.D.J.



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
THOMAS GESUALDI, LOUIS BISIGNANO, :
MICHAEL O'TOOLE, MICHAEL C. BOURGAL, :
DARIN JEFFERS, JOSEPH A. FERRARA, SR., :
FRANK H. FINKEL, MARC HERBST, DENISE :
RICHARDSON, and THOMAS F. CORBETT, as :
Trustees and Fiduciaries of the Local 282 Welfare :
Trust Fund, the Local 282 Pension Trust Fund, the :
Local 282 Annuity Trust Fund, the Local 282 Job :
Training Trust Fund, and the Local 282 Vacation :
and Sick Leave Trust Fund, :
Plaintiffs, :
- against - :
ROCKWALA INC. and ANDY WALA, :
Defendants. :
-----x

NOTICE OF DEPOSITION TO
ANDY WALA

TO: Andy Wala
43 East 91st Street
Brooklyn, NY 11212

PLEASE TAKE NOTICE that beginning June 7, 2019 at 11:15 am at the offices of Local 282 Trust Funds, 2500 Marcus Avenue, Lake Success, New York 11042, Plaintiff/Judgment Creditor will take the deposition upon oral examination of Andy Wala pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure before a person authorized to administer oaths. The deposition will continue from day to day until completed.

Dated: April 29, 2019
New York, New York

/s/ Michael S. Adler
Michael S. Adler
COHEN, WEISS and SIMON LLP
900 Third Avenue, Suite 2100
New York, New York 10022-4869
(212) 563-4100

Attorney for Plaintiff/Judgment Creditor



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
THOMAS GESUALDI, LOUIS BISIGNANO, :
MICHAEL O'TOOLE, MICHAEL C. BOURGAL, :
DARIN JEFFERS, JOSEPH A. FERRARA, SR., :
FRANK H. FINKEL, MARC HERBST, DENISE :
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Trust Fund, the Local 282 Pension Trust Fund, the :
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Training Trust Fund, and the Local 282 Vacation :
and Sick Leave Trust Fund, :
Plaintiffs, :
- against - :
ROCKWALA INC. and ANDY WALA, :
Defendants. :
-----x

**JUDGMENT-CREDITORS/PLAINTIFFS' REQUEST FOR THE PRODUCTION
OF DOCUMENTS TO JUDGMENT-DEBTOR/DEFENDANT ANDY WALA**

Pursuant to Federal Rules of Civil Procedure 26 and 34, plaintiffs Thomas Gesualdi, Louis Bisignano, Michael O'Toole, Michael C. Bourgal, Darin Jeffers, Joseph A. Ferrara, Sr., Frank H. Finkel, Marc Herbst, Denise Richardson, and Thomas F. Corbett, as Trustees and fiduciaries of the Local 282 Welfare Trust Fund, the Local 282 Pension Trust Fund, the Local 282 Annuity Trust Fund, the Local 282 Job Training Trust Fund, and the Local 282 Vacation and Sick Leave Trust Fund, hereby request that defendant Andy Wala produce for inspection and copying all documents designated below at the offices of the Local 282 Trusts Funds, Attn: Bruce S. Levine/Michael S. Adler, 2500 Marcus Avenue, Lake Success, New York 11042 on or before June 7, 2019.

DEFINITIONS AND INSTRUCTIONS

The Definitions and rules of construction in Local Rule 26.3 of the Eastern District of New York are hereby incorporated by reference. In addition, the following definitions and instructions apply to all requests for disclosures made herein:

1. "Rockwala" shall mean, collectively or individually, Rockwala Inc. and where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.
2. "Wala" shall mean Andy Wala.
3. "You" or "Your" shall mean, Wala.
4. "Property" shall mean real property.
5. "Materials and Equipment" shall mean inventory, materials, machinery, equipment, tools, trucks, automobiles or other personal property.
6. Unless otherwise specified, the time period covered by this document request shall extend from June 1, 2013 through the present.
7. The documents produced are to be segregated by request number.
8. All requests made herein shall be construed to include any supplemental documents responsive to these requests that are later prepared, created or discovered.
9. For each document with respect to which any privilege is claimed, responding defendant shall identify the date of the document, any title or heading affixed to the document, the name and address of all persons to whom and by whom the document was sent or distributed, the type of document (e.g., letter, memorandum), the general subject matter of the document, and the nature of the alleged privilege.

DOCUMENT REQUESTS

You are hereby requested to produce the following documents:

1. The Articles of Incorporation and State Corporate Registration Certificates of Rockwala.
2. Corporate bylaws of Rockwala including all amendments or riders to such documents.
3. All minutes or drafts of minutes of meetings of the Board of Directors of Rockwala and shareholder resolutions.
4. All stock certificates issued by or concerning Rockwala.
5. All shareholder agreements concerning or referring to Rockwala.
6. All corporate notices, filings or reports concerning Rockwala filed with, prepared for, or required by, any federal, state, or municipal authority.
7. Any and all real estate deeds, leases, mortgages, mortgage notes, deeds of trust, deeds of trust notes, payment schedules, lease payments, lease accruals, mortgage payments, and all documents, including checks, related to payments of any and all leases, mortgages, or deeds of trust on property leased or owned by Rockwala or held for Rockwala beneficially by any person or trustee.
8. Any and all real estate deeds, leases, mortgages, mortgage notes, deeds of trust, deeds of trust notes, payment schedules, lease payments, lease accruals, mortgage payments, and all documents, including checks, related to payments of any and all leases, mortgages, or deeds of trust on property leased or owned by Wala or held for Wala beneficially by any person or trustee.

9. Any and all records concerning ownership, rental, mortgage, security, or use of Material and Equipment (as defined in ¶ 5 under Definitions and Instructions) by Rockwala or any person acting on behalf of Rockwala.

10. Any and all records concerning ownership, rental, mortgage, security, or use of Material and Equipment (as defined in ¶ 5 under Definitions and Instructions) by Wala or any person acting on behalf of Wala.

11. Any and all of Rockwala's quarterly and annual corporate and state tax returns.

12. All of Wala's federal and state tax returns

13. All financial statements, profit and loss statements, balance and income statements, balance sheets, trial balance sheets, ledgers, journals (including cash disbursements and cash receipts), accounting statements, accounting reports, or other documents designed to present the financial condition and/or asset or property holdings of Rockwala in summary form, prepared by its officers or directors or on its behalf by any person or entity, or submitted to any financial institutions.

14. All financial statements, profit and loss statements, balance and income statements, balance sheets, trial balance sheets, ledgers, journals (including cash disbursements and cash receipts), accounting statements, accounting reports, or other documents designed to present the financial condition and/or asset or property holdings of Wala in summary form, prepared him or on his behalf by any person or entity, or submitted to any financial institutions.

15. Copies of all checks, money orders, cashier's checks, wire transfers, electronic transfers, instruments of payments, negotiable instruments, or other documents representing payments or transfers of assets from Rockwala to any of its officers, directors,

shareholders, or companies or entities owned, in full or in part, or controlled by these officers, directors, or shareholders.

16. Copies of all checks, money orders, cashier's checks, wire transfers, electronic transfers, instruments of payments, negotiable instruments, or other documents representing payments or transfers of assets from Wala to any company, entity, corporation, individual or institution.

17. Any and all bank statements, money market account statements, stock broker account ledgers, passbooks, entry ledgers, computer printouts, or other graphic representations of whatever kind that reflect money, assets or business property held by Rockwala at any financial institution, brokerage house, bank, savings institution, safe deposit and trust company, or other financial or credit company.

18. Any and all bank statements, money market account statements, stock broker account ledgers, passbooks, entry ledgers, computer printouts, or other graphic representations of whatever kind that reflect money, assets or business property held by Wala at any financial institution, brokerage house, bank, savings institution, safe deposit and trust company, or other financial or credit company.

19. Copies of all contracts, memoranda, leases and/or agreements relating to the purchase, merger, consolidation, transfer or assignment of the goodwill, trade name, stock and/or assets of Rockwala.

20. All statements of accounts receivable of Rockwala and any underlying invoices, contracts, purchase orders, or other documentation of the obligation.

21. All statements of accounts receivable of Wala and any underlying invoices, contracts, purchase orders, or other documentation of the obligation.

22. All documents of title or registrations for any vehicles owned, leased or used by Rockwala.
23. All documents of title or registrations for any vehicles owned, leased or used by Wala.
24. All complaints filed against Rockwala with any state court, federal court or governmental agency.
25. All complaints filed against Wala with any state court, federal court or governmental agency.
26. All documents regarding liens against Rockwala, judgments entered against Rockwala, or monies due by Rockwala to third parties.
27. All documents regarding liens against Wala, judgments entered against Wala, or monies due by Wala to third parties.
28. All documents regarding liens held by Rockwala, judgments entered in favor of Rockwala, or monies due by third parties to Rockwala.
29. All documents regarding liens held by Wala, judgments entered in favor of Wala, or monies due by third parties to Wala.
30. All documents listing or referencing customers of Rockwala.

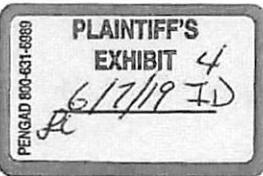
31. All documents listing or reflecting Wala's employer(s), salary, pay schedule, and/or job responsibilities.

Dated: April 29, 2019
New York, New York

/s/ Michael S. Adler

Michael S. Adler
COHEN, WEISS and SIMON LLP
900 Third Avenue, Suite 2100
New York, New York 10022
(212) 563-4100

Attorneys for Plaintiffs



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THOMAS GESUALDI, et al.

CIVIL ACTION NO.: 1:18-CV
-05470(JBW)(SJB)

vs

Plaintiff

ROCKWALA INC. and ANDY WALA

Defendant

AFFIDAVIT OF SERVICE

State of New York }
County of New York } ss.:

The undersigned, being duly sworn, deposes and says;

Deponent is not a party herein, is over 18 years of age and resides in Sunnyside, New York

That on 5/1/2019 at 9:22 AM at 43 East 91st Street, Brooklyn, NY 11212

deponent served a(n) Notice of Deposition to Andy Wala, Judgment-Creditors/Plaintiffs' Request for the Production of Documents to Judgment-Debtor/Defendant Rockwala Inc. and Judgment-Creditors/Plaintiffs' Request for the Production of Documents to Judgment-Debtor/Defendant Andy Wala

on Andy Wala

by delivering a true copy to said witness personally;

deponent knew the person so served to be the witness described in said subpoena.

Description of Person Served:

Gender: Male

Skin: Brown

Hair: Brown

Age: 36 - 50 Yrs.

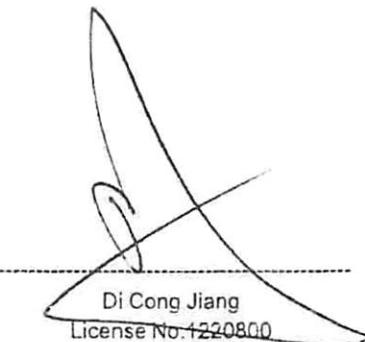
Height: 5' 9" - 6' 0"

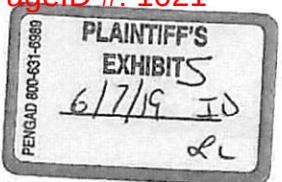
Weight: 161-200 Lbs.

Other:

Sworn to before me this
2nd day of May, 2019

NOTARY PUBLIC
JOHN DICANIO
NOTARY PUBLIC STATE OF NEW YORK
WESTCHESTER COUNTY
LIC. # 01D14977768
COMM EXP. 2/11/2023


Di Cong Jiang
License No. 1220800



COHEN
WEISS
AND
SIMON
L.L.P.

900 Third Avenue, Suite 2100 • New York, NY 10022-4869

Michael S. Adler, Partner
Tel: 212.356.0251
Fax: 646.473.8251
madler@cwsny.com
www.cwsny.com

June 5, 2019

By UPS Overnight Mail

Andy Wala
Rockwala Inc.
43 East 91st Street
Brooklyn, New York 11212

Re: *Gesualdi, et al. v. Rockwala, Inc., et al.*,
Civil Action No. 1:18-cv-05470 (JBW) (SJB)

Dear Mr. Wala:

As you know, we represent the Local 282 Trust Funds in the above-referenced matter.

This letter serves to remind you that deposition/document production is scheduled to take place on June 7, 2019, beginning at 11:15 a.m., at the Local 282 Trust Fund Office, 2500 Marcus Avenue, Second Floor, Lake Success, New York 11042.

Copies of the relevant discovery documents are enclosed.

Please be guided accordingly.

Very truly yours,

Michael S. Adler

Michael S. Adler

Enclosures

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THOMAS GESUALDI, LOUIS BISIGNANO,
MICHAEL O'TOOLE, MICHAEL C. BOURGAL,
DARIN JEFFERS, JOSEPH A. FERRARA, SR.,
FRANK H. FINKEL, MARC HERBST, DENISE
RICHARDSON, and THOMAS F. CORBETT, as
Trustees and Fiduciaries of the Local 282 Welfare
Trust Fund, the Local 282 Pension Trust Fund, the
Local 282 Annuity Trust Fund, the Local 282 Job
Training Trust Fund, and the Local 282 Vacation
and Sick Leave Trust Fund,

Civil Action No.
1:18-cv-05470 (JBW)(SJB)

Plaintiffs,

- against -

ROCKWALA INC. and ANDY WALA,

Defendants.

**JUDGMENT-CREDITORS/PLAINTIFFS' REQUEST FOR THE PRODUCTION
OF DOCUMENTS TO JUDGMENT-DEBTOR/DEFENDANT ROCKWALA INC.**

Pursuant to Federal Rules of Civil Procedure 26 and 34, plaintiffs Thomas
Gesualdi, Louis Bisignano, Michael O'Toole, Michael C. Bourgal, Darin Jeffers, Joseph A.
Ferrara, Sr., Frank H. Finkel, Marc Herbst, Denise Richardson, and Thomas F. Corbett, as
Trustees and fiduciaries of the Local 282 Welfare Trust Fund, the Local 282 Pension Trust Fund,
the Local 282 Annuity Trust Fund, the Local 282 Job Training Trust Fund, and the Local 282
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inspection and copying all documents designated below at the offices of the Local 282 Trusts
Funds, Attn: Bruce S. Levine/Michael S. Adler, 2500 Marcus Avenue, Lake Success, New York
11042 on or before June 7, 2019.

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3. "Wala" shall mean Andy Wala.
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5. "Materials and Equipment" shall mean inventory, materials, machinery, equipment, tools, trucks, automobiles or other personal property.
6. Unless otherwise specified, the time period covered by this document request shall extend from June 1, 2013 through the present.
7. The documents produced are to be segregated by request number.
8. All requests made herein shall be construed to include any supplemental documents responsive to these requests that are later prepared, created or discovered.
9. For each document with respect to which any privilege is claimed, responding defendant shall identify the date of the document, any title or heading affixed to the document, the name and address of all persons to whom and by whom the document was sent or distributed, the type of document (e.g., letter, memorandum), the general subject matter of the document, and the nature of the alleged privilege.

DOCUMENT REQUESTS

You are hereby requested to produce the following documents:

1. The Articles of Incorporation and State Corporate Registration Certificates of Rockwala.
2. Corporate bylaws of Rockwala including all amendments or riders to such documents.
3. All minutes or drafts of minutes of meetings of the Board of Directors of Rockwala and shareholder resolutions.
4. All stock certificates issued by or concerning Rockwala.
5. All shareholder agreements concerning or referring to Rockwala.
6. All corporate notices, filings or reports concerning Rockwala filed with, prepared for, or required by, any federal, state, or municipal authority.
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15. Copies of all checks, money orders, cashier's checks, wire transfers, electronic transfers, instruments of payments, negotiable instruments, or other documents representing payments or transfers of assets from Rockwala to any of its officers, directors,

shareholders, or companies or entities owned, in full or in part, or controlled by these officers, directors, or shareholders.

16. Copies of all checks, money orders, cashier's checks, wire transfers, electronic transfers, instruments of payments, negotiable instruments, or other documents representing payments or transfers of assets from Wala to any company, entity, corporation, individual or institution.

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30. All documents listing or referencing customers of Rockwala.

31. All documents listing or reflecting Wala's employer(s), salary, pay schedule, and/or job responsibilities.

Dated: April 29, 2019
New York, New York

/s/ Michael S. Adler

Michael S. Adler
COHEN, WEISS and SIMON LLP
900 Third Avenue, Suite 2100
New York, New York 10022
(212) 563-4100

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THOMAS GESUALDI, LOUIS BISIGNANO,
MICHAEL O'TOOLE, MICHAEL C. BOURGAL,
DARIN JEFFERS, JOSEPH A. FERRARA, SR.,
FRANK H. FINKEL, MARC HERBST, DENISE
RICHARDSON, and THOMAS F. CORBETT, as
Trustees and Fiduciaries of the Local 282 Welfare
Trust Fund, the Local 282 Pension Trust Fund, the
Local 282 Annuity Trust Fund, the Local 282 Job
Training Trust Fund, and the Local 282 Vacation
and Sick Leave Trust Fund, :
Plaintiffs, :
- against - :
ROCKWALA INC. and ANDY WALA, :
Defendants. :
x

**JUDGMENT-CREDITORS/PLAINTIFFS' REQUEST FOR THE PRODUCTION
OF DOCUMENTS TO JUDGMENT-DEBTOR/DEFENDANT ANDY WALA**

Pursuant to Federal Rules of Civil Procedure 26 and 34, plaintiffs Thomas
Gesualdi, Louis Bisignano, Michael O'Toole, Michael C. Bourgal, Darin Jeffers, Joseph A.
Ferrara, Sr., Frank H. Finkel, Marc Herbst, Denise Richardson, and Thomas F. Corbett, as
Trustees and fiduciaries of the Local 282 Welfare Trust Fund, the Local 282 Pension Trust Fund,
the Local 282 Annuity Trust Fund, the Local 282 Job Training Trust Fund, and the Local 282
Vacation and Sick Leave Trust Fund, hereby request that defendant Andy Wala produce for
inspection and copying all documents designated below at the offices of the Local 282 Trusts
Funds, Attn: Bruce S. Levine/Michael S. Adler, 2500 Marcus Avenue, Lake Success, New York
11042 on or before June 7, 2019.

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8. All requests made herein shall be construed to include any supplemental documents responsive to these requests that are later prepared, created or discovered.
9. For each document with respect to which any privilege is claimed, responding defendant shall identify the date of the document, any title or heading affixed to the document, the name and address of all persons to whom and by whom the document was sent or distributed, the type of document (e.g., letter, memorandum), the general subject matter of the document, and the nature of the alleged privilege.

DOCUMENT REQUESTS

You are hereby requested to produce the following documents:

1. The Articles of Incorporation and State Corporate Registration Certificates of Rockwala.
2. Corporate bylaws of Rockwala including all amendments or riders to such documents.
3. All minutes or drafts of minutes of meetings of the Board of Directors of Rockwala and shareholder resolutions.
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5. All shareholder agreements concerning or referring to Rockwala.
6. All corporate notices, filings or reports concerning Rockwala filed with, prepared for, or required by, any federal, state, or municipal authority.
7. Any and all real estate deeds, leases, mortgages, mortgage notes, deeds of trust, deeds of trust notes, payment schedules, lease payments, lease accruals, mortgage payments, and all documents, including checks, related to payments of any and all leases, mortgages, or deeds of trust on property leased or owned by Rockwala or held for Rockwala beneficially by any person or trustee.
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9. Any and all records concerning ownership, rental, mortgage, security, or use of Material and Equipment (as defined in ¶ 5 under Definitions and Instructions) by Rockwala or any person acting on behalf of Rockwala.

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15. Copies of all checks, money orders, cashier's checks, wire transfers, electronic transfers, instruments of payments, negotiable instruments, or other documents representing payments or transfers of assets from Rockwala to any of its officers, directors,

shareholders, or companies or entities owned, in full or in part, or controlled by these officers, directors, or shareholders.

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31. All documents listing or reflecting Wala's employer(s), salary, pay schedule, and/or job responsibilities.

Dated: April 29, 2019
New York, New York

/s/ Michael S. Adler

Michael S. Adler
COHEN, WEISS and SIMON LLP
900 Third Avenue, Suite 2100
New York, New York 10022
(212) 563-4100

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THOMAS GESUALDI, LOUIS BISIGNANO,
MICHAEL O'TOOLE, MICHAEL C. BOURGAL,
DARIN JEFFERS, JOSEPH A. FERRARA, SR.,
FRANK H. FINKEL, MARC HERBST, DENISE
RICHARDSON, and THOMAS F. CORBETT, as
Trustees and Fiduciaries of the Local 282 Welfare
Trust Fund, the Local 282 Pension Trust Fund, the
Local 282 Annuity Trust Fund, the Local 282 Job
Training Trust Fund, and the Local 282 Vacation
and Sick Leave Trust Fund,

Plaintiffs, :
- against - :
ROCKWALA INC. and ANDY WALA, :
Defendants. :
:

Civil Action No.
I:18-cv-05470 (JBW)(SJB)

NOTICE OF DEPOSITION TO
ANDY WALA

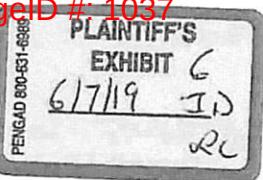
TO: Andy Wala
43 East 91st Street
Brooklyn, NY 11212

PLEASE TAKE NOTICE that beginning June 7, 2019 at 11:15 am at the offices
of Local 282 Trust Funds, 2500 Marcus Avenue, Lake Success, New York 11042,
Plaintiff/Judgment Creditor will take the deposition upon oral examination of Andy Wala
pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure before a person authorized to
administer oaths. The deposition will continue from day to day until completed.

Dated: April 29, 2019
New York, New York

/s/ Michael S. Adler
Michael S. Adler
COHEN, WEISS and SIMON LLP
900 Third Avenue, Suite 2100
New York, New York 10022-4869
(212) 563-4100

Attorney for Plaintiff/Judgment Creditor



Michael S. Adler

From: Michael S. Adler
sent: Thursday, June 06, 2019 11:56 AM
To: rockwala@yahoo.com
Subject: As a reminder your deposition is tomorrow 10 am at the Fund Office in Lake Success.
See attached.
Attachments: Wala ltr re deposition reminder (6-5-19) (01087121)-c.pdf

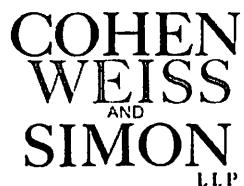
Follow Up Flag: Copied to Worldox (CWS Files)\0240\20154\01087633.MSG)

**COHEN
WEISS
AND
SIMON**
L.L.P.

Michael S. Adler
900 Third Avenue, Suite 2100
New York, NY 10022-4869
Tel: 212.356.0251
Fax: 646.473.8251
Cell: 718.813.4667

madler@cwsny.com | www.cwsny.com | [Bio](#)

EXHIBIT F



Michael S. Adler, Partner
Tel: 212.356.0251
Fax: 646.473.8251
madler@cwsny.com
www.cwsny.com

900 Third Avenue, Suite 2100 • New York, NY 10022-4869

June 5, 2019

By UPS Overnight Mail

Andy Wala
Rockwala Inc.
43 East 91st Street
Brooklyn, New York 11212

Re: *Gesualdi, et al. v. Rockwala, Inc., et al.*,
Civil Action No. 1:18-cv-05470 (JBW) (SJB)

Dear Mr. Wala:

As you know, we represent the Local 282 Trust Funds in the above-referenced matter.

This letter serves to remind you that deposition/document production is scheduled to take place on June 7, 2019, beginning at 11:15 a.m., at the Local 282 Trust Fund Office, 2500 Marcus Avenue, Second Floor, Lake Success, New York 11042.

Copies of the relevant discovery documents are enclosed.

Please be guided accordingly.

Very truly yours,

Michael S. Adler

Michael S. Adler

Enclosures



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
THOMAS GESUALDI, LOUIS BISIGNANO, :
MICHAEL O'TOOLE, MICHAEL C. BOURGAL, :
DARIN JEFFERS, JOSEPH A. FERRARA, SR., :
FRANK H. FINKEL, MARC HERBST, DENISE :
RICHARDSON, and THOMAS F. CORBETT, as :
Trustees and Fiduciaries of the Local 282 Welfare :
Trust Fund, the Local 282 Pension Trust Fund, the :
Local 282 Annuity Trust Fund, the Local 282 Job :
Training Trust Fund, and the Local 282 Vacation :
and Sick Leave Trust Fund, :
Plaintiffs, :
- against - :
ROCKWALA INC. and ANDY WALA, :
Defendants. :
-----x

**JUDGMENT-CREDITORS/PLAINTIFFS' REQUEST FOR THE PRODUCTION
OF DOCUMENTS TO JUDGMENT-DEBTOR/DEFENDANT ROCKWALA INC.**

Pursuant to Federal Rules of Civil Procedure 26 and 34, plaintiffs Thomas Gesualdi, Louis Bisignano, Michael O'Toole, Michael C. Bourgal, Darin Jeffers, Joseph A. Ferrara, Sr., Frank H. Finkel, Marc Herbst, Denise Richardson, and Thomas F. Corbett, as Trustees and fiduciaries of the Local 282 Welfare Trust Fund, the Local 282 Pension Trust Fund, the Local 282 Annuity Trust Fund, the Local 282 Job Training Trust Fund, and the Local 282 Vacation and Sick Leave Trust Fund, hereby request that defendant Rockwala Inc. produce for inspection and copying all documents designated below at the offices of the Local 282 Trusts Funds, Attn: Bruce S. Levine/Michael S. Adler, 2500 Marcus Avenue, Lake Success, New York 11042 on or before June 7, 2019.

DEFINITIONS AND INSTRUCTIONS

The Definitions and rules of construction in Local Rule 26.3 of the Eastern District of New York are hereby incorporated by reference. In addition, the following definitions and instructions apply to all requests for disclosures made herein:

1. "Rockwala" shall mean, collectively or individually, Rockwala Inc. and where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.
2. "You" or "Your" shall mean, Rockwala.
3. "Wala" shall mean Andy Wala.
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Dated: April 29, 2019
New York, New York

/s/ Michael S. Adler

Michael S. Adler
COHEN, WEISS and SIMON LLP
900 Third Avenue, Suite 2100
New York, New York 10022
(212) 563-4100

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THOMAS GESUALDI, LOUIS BISIGNANO,
MICHAEL O'TOOLE, MICHAEL C. BOURGAL,
DARIN JEFFERS, JOSEPH A. FERRARA, SR.,
FRANK H. FINKEL, MARC HERBST, DENISE
RICHARDSON, and THOMAS F. CORBETT, as
Trustees and Fiduciaries of the Local 282 Welfare
Trust Fund, the Local 282 Pension Trust Fund, the
Local 282 Annuity Trust Fund, the Local 282 Job
Training Trust Fund, and the Local 282 Vacation
and Sick Leave Trust Fund,

Plaintiffs,

- against -

ROCKWALA INC. and ANDY WALA,

Defendants.

Civil Action No.
1:18-cv-05470 (JBW)(SJB)

**JUDGMENT-CREDITORS/PLAINTIFFS' REQUEST FOR THE PRODUCTION
OF DOCUMENTS TO JUDGMENT-DEBTOR/DEFENDANT ANDY WALA**

Pursuant to Federal Rules of Civil Procedure 26 and 34, plaintiffs Thomas Gesualdi, Louis Bisignano, Michael O'Toole, Michael C. Bourgal, Darin Jeffers, Joseph A. Ferrara, Sr., Frank H. Finkel, Marc Herbst, Denise Richardson, and Thomas F. Corbett, as Trustees and fiduciaries of the Local 282 Welfare Trust Fund, the Local 282 Pension Trust Fund, the Local 282 Annuity Trust Fund, the Local 282 Job Training Trust Fund, and the Local 282 Vacation and Sick Leave Trust Fund, hereby request that defendant Andy Wala produce for inspection and copying all documents designated below at the offices of the Local 282 Trusts Funds, Attn: Bruce S. Levine/Michael S. Adler, 2500 Marcus Avenue, Lake Success, New York 11042 on or before June 7, 2019.

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Dated: April 29, 2019
New York, New York

/s/ Michael S. Adler

Michael S. Adler
COHEN, WEISS and SIMON LLP
900 Third Avenue, Suite 2100
New York, New York 10022
(212) 563-4100

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
THOMAS GESUALDI, LOUIS BISIGNANO,
MICHAEL O'TOOLE, MICHAEL C. BOURGAL,
DARIN JEFFERS, JOSEPH A. FERRARA, SR.,
FRANK H. FINKEL, MARC HERBST, DENISE
RICHARDSON, and THOMAS F. CORBETT, as
Trustees and Fiduciaries of the Local 282 Welfare
Trust Fund, the Local 282 Pension Trust Fund, the
Local 282 Annuity Trust Fund, the Local 282 Job
Training Trust Fund, and the Local 282 Vacation
and Sick Leave Trust Fund, :
Plaintiffs, :
- against - :
ROCKWALA INC. and ANDY WALA, :
Defendants. :
-----x

NOTICE OF DEPOSITION TO
ANDY WALA

TO: Andy Wala
43 East 91st Street
Brooklyn, NY 11212

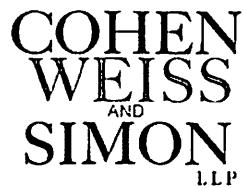
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Plaintiff/Judgment Creditor will take the deposition upon oral examination of Andy Wala
pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure before a person authorized to
administer oaths. The deposition will continue from day to day until completed.

Dated: April 29, 2019
New York, New York

/s/ Michael S. Adler
Michael S. Adler
COHEN, WEISS and SIMON LLP
900 Third Avenue, Suite 2100
New York, New York 10022-4869
(212) 563-4100

Attorney for Plaintiff/Judgment Creditor

EXHIBIT G



Michael S. Adler, Partner
Tel: 212.356.0251
Fax: 646.473.8251
madler@cwsny.com
www.cwsny.com

900 Third Avenue, Suite 2100 • New York, NY 10022-4869

June 13, 2019

By First Class Mail

Rockwala Inc.
43 East 91st Street
Brooklyn, New York 11212

Rockwala Inc.
4023 Hubbard Place
Brooklyn, New York 11210

Andy Wala
Rockwala Inc.
43 East 91st Street
Brooklyn, New York 11212

Andy Wala
6 Story Court
Brooklyn, New York 11218

Andy Wala
225 Johnson Lane
Montgomery, New York 12549

Re: Gesualdi, et al. v. Rockwala, Inc., et al.,
Civil Action No. 1:18-cv-05470 (JBW) (SJB)

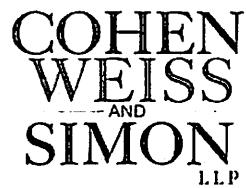
Dear Mr. Wala:

As you know, this office represents the Local 282 Trust Funds in the above-referenced action.

As you also know, deposition/document production was scheduled to take place on June 7, 2019, beginning at 11:15 a.m., at the Local 282 Trust Fund Office, 2500 Marcus Avenue, Second Floor, Lake Success, New York 11042. Despite reminder, you failed to appear or produce the requested documents.

Accordingly, please be advised that if you fail to reschedule the deposition and fail to produce the documents by June 21, 2019, we will file with the Court a motion to compel production and deposition testimony.

Copies of the relevant discovery documents and affidavit of service are enclosed.



Andy Wala
June 13, 2019
Page 2

Please be guided accordingly.

Very truly yours,

Michael S. Adler

Michael S. Adler

Enclosures



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
THOMAS GESUALDI, et al.

CIVIL ACTION NO.: 1:18-CV
-05470(JBW)(SJB)

vs

Plaintiff

ROCKWALA INC. and ANDY WALA

Defendant

AFFIDAVIT OF SERVICE

State of New York }
County of New York } ss.:

The undersigned, being duly sworn, deposes and says:

Deponent is not a party herein, is over 18 years of age and resides in Sunnyside, New York

That on 5/1/2019 at 9:22 AM at 43 East 91st Street, Brooklyn, NY 11212

deponent served a(n) Notice of Deposition to Andy Wala, Judgment-Creditors/Plaintiffs' Request for the Production of Documents to Judgment-Debtor/Defendant Rockwala Inc. and Judgment-Creditors/Plaintiffs' Request for the Production of Documents to Judgment-Debtor/Defendant Andy Wala

on Andy Wala

by delivering a true copy to said witness personally;

deponent knew the person so served to be the witness described in said subpoena.

Description of Person Served:

Gender: Male

Skin: Brown

Hair: Brown

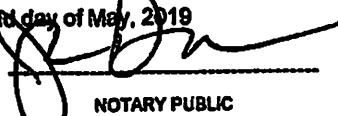
Age: 36 - 50 Yrs.

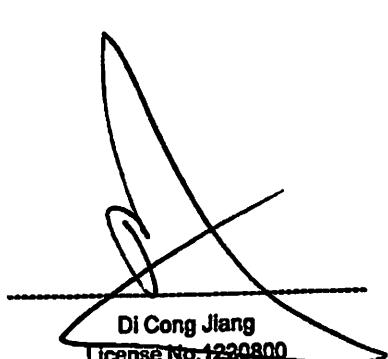
Height: 5' 8" - 6' 0"

Weight: 161-200 Lbs.

Other:

Sworn to before me this
2nd day of May, 2019


NOTARY PUBLIC
JOHN DICANIO
NOTARY PUBLIC STATE OF NEW YORK
WESTCHESTER COUNTY
LIC. # 01D1497768
COMM EXP. 2/11/2023


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New York City Dept. of Consumer Affairs License No. 0761160

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THOMAS GESUALDI, LOUIS BISIGNANO, :
MICHAEL O'TOOLE, MICHAEL C. BOURGAL, :
DARIN JEFFERS, JOSEPH A. FERRARA, SR., :
FRANK H. FINKEL, MARC HERBST, DENISE :
RICHARDSON, and THOMAS F. CORBETT, as :
Trustees and Fiduciaries of the Local 282 Welfare :
Trust Fund, the Local 282 Pension Trust Fund, the :
Local 282 Annuity Trust Fund, the Local 282 Job :
Training Trust Fund, and the Local 282 Vacation :
and Sick Leave Trust Fund, :
Plaintiffs, :
- against - :
ROCKWALA INC. and ANDY WALA, :
Defendants. :
-----x

Civil Action No.
1:18-cv-05470 (JBW)(SJB)

**JUDGMENT-CREDITORS/PLAINTIFFS' REQUEST FOR THE PRODUCTION
OF DOCUMENTS TO JUDGMENT-DEBTOR/DEFENDANT ROCKWALA INC.**

Pursuant to Federal Rules of Civil Procedure 26 and 34, plaintiffs Thomas Gesualdi, Louis Bisignano, Michael O'Toole, Michael C. Bourgal, Darin Jeffers, Joseph A. Ferrara, Sr., Frank H. Finkel, Marc Herbst, Denise Richardson, and Thomas F. Corbett, as Trustees and fiduciaries of the Local 282 Welfare Trust Fund, the Local 282 Pension Trust Fund, the Local 282 Annuity Trust Fund, the Local 282 Job Training Trust Fund, and the Local 282 Vacation and Sick Leave Trust Fund, hereby request that defendant Rockwala Inc. produce for inspection and copying all documents designated below at the offices of the Local 282 Trusts Funds, Attn: Bruce S. Levine/Michael S. Adler, 2500 Marcus Avenue, Lake Success, New York 11042 on or before June 7, 2019.

DEFINITIONS AND INSTRUCTIONS

The Definitions and rules of construction in Local Rule 26.3 of the Eastern District of New York are hereby incorporated by reference. In addition, the following definitions and instructions apply to all requests for disclosures made herein:

1. "Rockwala" shall mean, collectively or individually, Rockwala Inc. and where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.
2. "You" or "Your" shall mean, Rockwala.
3. "Wala" shall mean Andy Wala.
4. "Property" shall mean real property.
5. "Materials and Equipment" shall mean inventory, materials, machinery, equipment, tools, trucks, automobiles or other personal property.
6. Unless otherwise specified, the time period covered by this document request shall extend from June 1, 2013 through the present.
7. The documents produced are to be segregated by request number.
8. All requests made herein shall be construed to include any supplemental documents responsive to these requests that are later prepared, created or discovered.
9. For each document with respect to which any privilege is claimed, the responding defendant shall identify the date of the document, any title or heading affixed to the document, the name and address of all persons to whom and by whom the document was sent or distributed, the type of document (e.g., letter, memorandum), the general subject matter of the document, and the nature of the alleged privilege.

DOCUMENT REQUESTS

You are hereby requested to produce the following documents:

1. The Articles of Incorporation and State Corporate Registration Certificates of Rockwala.
2. Corporate bylaws of Rockwala including all amendments or riders to such documents.
3. All minutes or drafts of minutes of meetings of the Board of Directors of Rockwala and shareholder resolutions.
4. All stock certificates issued by or concerning Rockwala.
5. All shareholder agreements concerning or referring to Rockwala.
6. All corporate notices, filings or reports concerning Rockwala filed with, prepared for, or required by, any federal, state, or municipal authority.
7. Any and all real estate deeds, leases, mortgages, mortgage notes, deeds of trust, deeds of trust notes, payment schedules, lease payments, lease accruals, mortgage payments, and all documents, including checks, related to payments of any and all leases, mortgages, or deeds of trust on property leased or owned by Rockwala or held for Rockwala beneficially by any person or trustee.
8. Any and all real estate deeds, leases, mortgages, mortgage notes, deeds of trust, deeds of trust notes, payment schedules, lease payments, lease accruals, mortgage payments, and all documents, including checks, related to payments of any and all leases, mortgages, or deeds of trust on property leased or owned by Wala or held for Wala beneficially by any person or trustee.

9. Any and all records concerning ownership, rental, mortgage, security, or use of Material and Equipment (as defined in ¶ 5 under Definitions and Instructions) by Rockwala or any person acting on behalf of Rockwala.

10. Any and all records concerning ownership, rental, mortgage, security, or use of Material and Equipment (as defined in ¶ 5 under Definitions and Instructions) by Wala or any person acting on behalf of Wala.

11. Any and all of Rockwala's quarterly and annual corporate and state tax returns.

12. All of Wala's federal and state tax returns

13. All financial statements, profit and loss statements, balance and income statements, balance sheets, trial balance sheets, ledgers, journals (including cash disbursements and cash receipts), accounting statements, accounting reports, or other documents designed to present the financial condition and/or asset or property holdings of Rockwala in summary form, prepared by its officers or directors or on its behalf by any person or entity, or submitted to any financial institutions.

14. All financial statements, profit and loss statements, balance and income statements, balance sheets, trial balance sheets, ledgers, journals (including cash disbursements and cash receipts), accounting statements, accounting reports, or other documents designed to present the financial condition and/or asset or property holdings of Wala in summary form, prepared him or on his behalf by any person or entity, or submitted to any financial institutions.

15. Copies of all checks, money orders, cashier's checks, wire transfers, electronic transfers, instruments of payments, negotiable instruments, or other documents representing payments or transfers of assets from Rockwala to any of its officers, directors,

shareholders, or companies or entities owned, in full or in part, or controlled by these officers, directors, or shareholders.

16. Copies of all checks, money orders, cashier's checks, wire transfers, electronic transfers, instruments of payments, negotiable instruments, or other documents representing payments or transfers of assets from Wala to any company, entity, corporation, individual or institution.

17. Any and all bank statements, money market account statements, stock broker account ledgers, passbooks, entry ledgers, computer printouts, or other graphic representations of whatever kind that reflect money, assets or business property held by Rockwala at any financial institution, brokerage house, bank, savings institution, safe deposit and trust company, or other financial or credit company.

18. Any and all bank statements, money market account statements, stock broker account ledgers, passbooks, entry ledgers, computer printouts, or other graphic representations of whatever kind that reflect money, assets or business property held by Wala at any financial institution, brokerage house, bank, savings institution, safe deposit and trust company, or other financial or credit company.

19. Copies of all contracts, memoranda, leases and/or agreements relating to the purchase, merger, consolidation, transfer or assignment of the goodwill, trade name, stock and/or assets of Rockwala.

20. All statements of accounts receivable of Rockwala and any underlying invoices, contracts, purchase orders, or other documentation of the obligation.

21. All statements of accounts receivable of Wala and any underlying invoices, contracts, purchase orders, or other documentation of the obligation.

22. All documents of title or registrations for any vehicles owned, leased or used by Rockwala.
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24. All complaints filed against Rockwala with any state court, federal court or governmental agency.
25. All complaints filed against Wala with any state court, federal court or governmental agency.
26. All documents regarding liens against Rockwala, judgments entered against Rockwala, or monies due by Rockwala to third parties.
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30. All documents listing or referencing customers of Rockwala.

31. All documents listing or reflecting Wala's employer(s), salary, pay schedule, and/or job responsibilities.

Dated: April 29, 2019
New York, New York

/s/ Michael S. Adler

Michael S. Adler
COHEN, WEISS and SIMON LLP
900 Third Avenue, Suite 2100
New York, New York 10022
(212) 563-4100

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THOMAS GESUALDI, LOUIS BISIGNANO, :
MICHAEL O'TOOLE, MICHAEL C. BOURGAL, :
DARIN JEFFERS, JOSEPH A. FERRARA, SR., :
FRANK H. FINKEL, MARC HERBST, DENISE :
RICHARDSON, and THOMAS F. CORBETT, as :
Trustees and Fiduciaries of the Local 282 Welfare :
Trust Fund, the Local 282 Pension Trust Fund, the :
Local 282 Annuity Trust Fund, the Local 282 Job :
Training Trust Fund, and the Local 282 Vacation :
and Sick Leave Trust Fund, :
Plaintiffs, :
- against - :
ROCKWALA INC. and ANDY WALA, :
Defendants.

Civil Action No.
1:18-cv-05470 (JBW)(SJB)

**JUDGMENT-CREDITORS/PLAINTIFFS' REQUEST FOR THE PRODUCTION
OF DOCUMENTS TO JUDGMENT-DEBTOR/DEFENDANT ANDY WALA**

Pursuant to Federal Rules of Civil Procedure 26 and 34, plaintiffs Thomas Gesualdi, Louis Bisignano, Michael O'Toole, Michael C. Bourgal, Darin Jeffers, Joseph A. Ferrara, Sr., Frank H. Finkel, Marc Herbst, Denise Richardson, and Thomas F. Corbett, as Trustees and fiduciaries of the Local 282 Welfare Trust Fund, the Local 282 Pension Trust Fund, the Local 282 Annuity Trust Fund, the Local 282 Job Training Trust Fund, and the Local 282 Vacation and Sick Leave Trust Fund, hereby request that defendant Andy Wala produce for inspection and copying all documents designated below at the offices of the Local 282 Trusts Funds, Attn: Bruce S. Levine/Michael S. Adler, 2500 Marcus Avenue, Lake Success, New York 11042 on or before June 7, 2019.

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shareholders, or companies or entities owned, in full or in part, or controlled by these officers, directors, or shareholders.

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31. All documents listing or reflecting Wala's employer(s), salary, pay schedule, and/or job responsibilities.

Dated: April 29, 2019
New York, New York

/s/ Michael S. Adler

Michael S. Adler
COHEN, WEISS and SIMON LLP
900 Third Avenue, Suite 2100
New York, New York 10022
(212) 563-4100

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THOMAS GESUALDI, LOUIS BISIGNANO,
MICHAEL O'TOOLE, MICHAEL C. BOURGAL,
DARIN JEFFERS, JOSEPH A. FERRARA, SR.,
FRANK H. FINKEL, MARC HERBST, DENISE
RICHARDSON, and THOMAS F. CORBETT, as
Trustees and Fiduciaries of the Local 282 Welfare
Trust Fund, the Local 282 Pension Trust Fund, the
Local 282 Annuity Trust Fund, the Local 282 Job
Training Trust Fund, and the Local 282 Vacation
and Sick Leave Trust Fund,

Plaintiffs,

- against -

ROCKWALA INC. and ANDY WALA,

Defendants.

Civil Action No.
1:18-cv-05470 (JBW)(SJB)

NOTICE OF DEPOSITION TO
ANDY WALA

TO: Andy Wala
43 East 91st Street
Brooklyn, NY 11212

PLEASE TAKE NOTICE that beginning June 7, 2019 at 11:15 am at the offices
of Local 282 Trust Funds, 2500 Marcus Avenue, Lake Success, New York 11042,
Plaintiff/Judgment Creditor will take the deposition upon oral examination of Andy Wala
pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure before a person authorized to
administer oaths. The deposition will continue from day to day until completed.

Dated: April 29, 2019
New York, New York

/s/ Michael S. Adler
Michael S. Adler
COHEN, WEISS and SIMON LLP
900 Third Avenue, Suite 2100
New York, New York 10022-4869
(212) 563-4100

Attorney for Plaintiff/Judgment Creditor

EXHIBIT H

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

THOMAS GESUALDI, LOUIS BISIGNANO, :
MICHAEL O'TOOLE, MICHAEL C. BOURGAL, :
DARIN JEFFERS, JOSEPH A. FERRARA, SR., :
FRANK H. FINKEL, MARC HERBST, DENISE :
RICHARDSON, and THOMAS F. CORBETT, as :
Trustees and Fiduciaries of the Local 282 Welfare :
Trust Fund, the Local 282 Pension Trust Fund, the :
Local 282 Annuity Trust Fund, the Local 282 Job :
Training Trust Fund, and the Local 282 Vacation :
and Sick Leave Trust Fund, :
Plaintiffs, :
- against - :
ROCKWALA INC. and ANDY WALA, :
Defendants. :
----- X

ORDER

Upon the July 31, 2019 letter motion filed by Plaintiffs/Judgment Creditors, the Trustees of Local 282 Welfare, Pension, Annuity, Job Training and Vacation Sick Leave Trust Funds for an order requiring (a) Andy Wala, Defendant/Judgment Debtor, to appear for deposition on September 5, 2019 at 11:30 a.m., in accord with the deposition notice served on his attention; (b) Mr. Wala produce documents responsive to the documents requests served on his attention; and (c) Defendant/Judgment Debtor Rockwala, Inc. ("Rockwala") produce documents responsive to the documents requests served on Mr. Wala's attention on behalf of Rockwala; and for good cause being shown, it is hereby ORDERED that:

(a) Andy Wala, comply with the deposition notice and appear for deposition on September 5, 2019 at 11:30 a.m., (b) Mr. Wala produce documents in his possession responsive to documents requests served on his attention, and (c) Defendant Rockwala produce documents responsive to the documents requests served on Mr. Wala's attention. The depositions and

production of the responsive documents are ordered to take place at the office of the Local 282 Welfare, Pension, Annuity, Job Training and Vacation Sick Leave Trust Funds, 2500 Marcus Avenue, Lake Success, New York on September 5, 2019, and it is further hereby ORDERED that

Failure to fully comply with all of the requirements of this Order will serve as grounds for finding that Andy Wala, personally and individually, and Rockwala are in contempt of this Court and will be subject to civil and criminal penalties, including, but not limited to, monetary sanctions to be assessed against Andy Wala, personally and individually, and Rockwala.

The plaintiffs shall arrange for service of this Order by personal service on Andy Wala and Rockwala. Proof of such service shall be filed with the Court.

SO ORDERED.

Dated: _____